

Sixth Appellate District

San Jose, California

MONDAY, JANUARY 12, 2004

H025685 PEOPLE v. ELLIOTT

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J.,
Wunderlich, J.)
Filed January 12, 2004

H025003 PEOPLE v. NGUYEN

H025598 PEOPLE v. NGUYEN

(Filed order modifying opinion.) There is no change in the
judgment. Appellant's petition for rehearing is denied. (not
published)
(Premo, Acting P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)
Filed January 12, 2004

TUESDAY, JANUARY 13, 2004

The Court met in its courtroom at 333 West Santa Clara
Street, Suite 1060, San Jose, California. Present: Rushing,
P.J.; Premo, J.; Bamattre-Manoukian, J.; and Beth Miller, Deputy
Clerk.

H025561 PEOPLE v. DANIEL B.

Cause called and argued by William Robinson appearing for
Appellant and by Bridget Billeter, Deputy Attorney General,
appearing for Respondent. Cause ordered submitted.

Bamattre-Manoukian, J. leaves the bench and Elia, J. takes the
bench.

H025731 PEOPLE v. ELSTON

Cause called and argued by Victor D. Vertner appearing for
Appellant and by Michele J. Swanson, Deputy Attorney General,
appearing for Respondent. Cause ordered submitted.

H024504 PEOPLE v. ADAMS

Cause called and argued by Kyle Gee appearing for Appellant
and by Michael Chamberlain, Deputy Attorney General, and Amy
Haddix, Deputy Attorney General, appearing for Respondent. Cause
ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, January 13, 2004 (continued)

H025468 PERRY v. DMV

Cause called. Arthur Dudley appears for Respondent. No appearance is made on behalf of Appellant. The cause is ordered submitted.

H025325 LAI v. WALL, et al.

Cause called. Lance Burrow appears for Respondent. No appearance is made on behalf of Appellant. The cause is ordered submitted. The court is adjourned until the 1:30 p.m. calendar.

H024841 SANTA TERESA CITIZEN ACTION GROUP, et al. v. CITY OF SAN JOSE, et al.; SANTA CLARA VALLEY WATER DISTRICT, et al.

By the Court*:

Appellants' petition for rehearing is denied.

Filed: January 13, 2004

*Before Rushing, P.J., Premo, J. and Mihara, J.

H026068 PEOPLE v. HENSON

H026436 HENSON on Habeas Corpus

The judgment is affirmed. The petition for a writ of habeas corpus is summarily denied. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed January 13, 2004

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California.

Present: Rushing, P.J.; Elia, J.; Mihara, J.; and S. Nasson, Deputy Clerk.

H023779 PEOPLE v. RUIZ

Cause called and argued by Richard Rubin appearing for Appellant and by John Deist, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Mihara, J. leaves the bench. Premo, J. takes the bench.

H025794 PEOPLE v. LEGGE

Cause called and argued by Alexander Lambrous appearing for Appellant and by Eric Share, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, January 13, 2004 (continued)

H025124 PEOPLE v. CAZAREZ

Cause called and argued by Meredith Fahn appearing for Appellant and by Catherine McBrien, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024732 PEOPLE v. KING, et al.

Cause called and argued by Alexandra D'Italia appearing for Appellant Blanton and by James Haworth appearing for Appellant King and by Jeremy Friedlander, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Court adjourns.

H025204 PEOPLE v. HOWARD

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed January 13, 2004

H024123 PEOPLE v. VIJAY

By the Court*:

Appellant's petition for rehearing is denied.
Filed: January 13, 2004
*Before Rushing, P.J., Premo, J. and Elia, J.

WEDNESDAY, JANUARY 14, 2004

H023768 PEOPLE v. PETZNICK

(Filed order modifying opinion.) There is no change in judgment. Appellant's petition for rehearing is denied.
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed January 14, 2004

H025793 PEOPLE v. THOMAS

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed January 14, 2004

H025381 ROSENBURG, et al. v. U-HAUL CO. OF CALIFORNIA, INC., et al.

The order is affirmed. (not published)
(Mihara, J.; We concur: Elia, Acting P.J., Wunderlich, J.)
Filed January 14, 2004

Sixth Appellate District

San Jose, California

Wednesday, January 14, 2004 (continued)

H024869 PEOPLE v. SMALL

(Filed order modifying opinion.) There is no change in the judgment. Appellant's petition for rehearing is denied. (not published)

(Bamattre-Manoukian, Acting P.J., Wunderlich, J., Mihara, J.)
Filed January 14, 2004

H024801 PEOPLE v. HUYNH, et al.

By the Court*:

Appellant Huynh's petition for rehearing is denied.

Filed: January 14, 2004

*Before Bamattre-Manoukian, Acting P.J., Wunderlich, J. and Mihara, J.

THURSDAY, JANUARY 15, 2004

H026010 PEOPLE v. MONTEJANO

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed January 15, 2004

H024695 PEOPLE v. PEETS

The judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed January 15, 2004

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California.
Present: Bamattre-Manoukian, Acting P.J.; Wunderlich, J.; Mihara, J.; and Jane Valdez Flor, Deputy Clerk.

H025424 PINA, et al. v. CALDERON

Cause called and argued by Robert D. Ponce appearing for Appellants and by Patrick R. Co appearing for Respondent. Cause ordered submitted.

H025326 BIRO v. IRANI, et al.

Cause called and argued by Gregory H. Scharff appearing for Appellant and by Randall Charles Crane appearing for Respondents. Cause ordered submitted. Court is adjourned.

Sixth Appellate District

San Jose, California

Thursday, January 15, 2004 (continued)

H025653 PEOPLE v. PALMER

The judgment is modified to reflect (1) a restitution fine of \$800 pursuant to Penal Code section 1202.4, subdivision (b) and a suspended restitution fine of \$800 pursuant to Penal Code section 1202.45 (2) a \$50 criminal laboratory analysis fee and a \$150 drug program fee plus penalty assessment on count 1 and no criminal laboratory analysis fee or drug program fee on count 2 and (3) \$0 for attorney's fees. The trial court is directed to prepare an amended abstract of judgment reflecting these three modifications and to transmit a certified copy of the abstract of judgment to the Department of Corrections. As modified the judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed January 15, 2004

H025781 PEOPLE v. ADRIANA V.

The disposition order is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed January 15, 2004

H025827 PEOPLE v. CAMACHO

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed January 15, 2004

H024693 PEOPLE v. HASSINGER

(Filed order modifying opinion.) The petition for rehearing is denied. This modification does not effect a change in the judgment. (not published)

(Bamattre-Manoukian, Acting P.J., Wunderlich, J., Mihara, J.)

Filed January 15, 2004

H025656 PEOPLE v. PACKER

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed January 15, 2004

Sixth Appellate District

San Jose, California

Thursday, January 15, 2004 (continued)

H025229 PEOPLE v. SUPERIOR COURT OF SANTA CLARA COUNTY; COOPER
(Filed order modifying opinion.) The People's request for relief from default to file a late petition for rehearing is granted. The People's petition for rehearing is denied. There is no change in the judgment. (published)
(Premo, Acting P.J.; I concur: Elia, J.)
Filed January 15, 2004

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Elia, Acting P.J.; Wunderlich, J.; Mihara, J.; and R. W. Norvelle, Deputy Clerk.

H025077 PEOPLE v. PALACIOS, JR.

Cause called and argued by David D. Martin appearing for Appellant and by Ronald E. Niver, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Elia, J. steps down and Bamattre-Manoukian, J. takes the bench.

H024709 PEOPLE v. ALVAREZ

Cause called and argued by J. Frank McCabe appearing for Appellant and by Violet Lee, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H025462 PEOPLE v. THEPHAVONGSA

Cause called and argued by Margaret Marr appearing for Appellant and by Christina V. VomSaal, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H025355 PEOPLE v. TRAN, et al.

Cause called and argued by Paul Carroll appearing for Appellant Tran, by Julie Schumer appearing for Appellant Le, and by Joan Killeen, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H025383 MAGHNOPULEH v. BROADBASE SOFTWARE, INC., et al.

Cause called and argued by Charles S. Bronitsky appearing for Appellant and by David M. Lisi appearing for Respondents. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, January 15, 2004 (continued)

H024944 KATZ v. LOS GATOS-SARATOGA JOINT UNION HIGH SCHOOL DISTRICT

Cause called and argued by Sue Ann Salmon Evans appearing for Appellant and by Aaron L. Katz, Respondent appearing in propria persona. Cause ordered submitted.

H025867 PEOPLE v. HARDACRE

Cause called and argued by Amy Haddix Deputy Attorney General, appearing for Appellant and by Arthur Dudley appearing for Respondent. Cause ordered submitted.

Court stands in recess.

H025463 PEOPLE v. YATES

The sentence imposed for the second degree burglary count is stayed. The trial court is directed to prepare an amended abstract of judgment reflecting this modification and forward a certified copy of the amended abstract to the department of corrections. As modified the judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed January 15, 2004

H024953 YAQUB v. SALINAS VALLEY MEMORIAL HEALTHCARE SYSTEM, et al.

The order is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed January 15, 2004

FRIDAY, JANUARY 16, 2004

H025986 PEOPLE v. TANTARUNA

The judgment is modified to reflect a \$100 laboratory fee and \$60 in penalty assessments. The parole revocation fine is stricken. In all other respects, the judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed January 16, 2004

H026285 PEOPLE v. BALLESTERO, JR.

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Rushing, P.J., Premo, J.)
Filed January 16, 2004

Sixth Appellate District

San Jose, California

Friday, January 16, 2004 (continued)

H026032 PEOPLE v. SHIELDS

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Rushing, P.J., Premo, J.)
Filed January 16, 2004

H026110 PEOPLE v. MALDONADO

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed January 16, 2004

H026060 PEOPLE v. CHRISTOPHER F.

The disposition order is reversed. The matter is remanded to the juvenile court for the purpose of determining whether count 1 and count 2 are each a felony or misdemeanor and entering a new disposition order. The court is further directed to modify the probation condition at issue to state: "Do not knowingly contact the victim or any member of his family, and do not knowingly go within 100 yards of the victim's residence, vehicle, school or place of employment." (not published)
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed January 16, 2004

H025828 PEOPLE v. GONZALES

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed January 16, 2004